

Complaint for Timothy W. Arthur

Timothy W. Arthur
535 Brockington Rd
Darlington, SC 29532
Plaintiff,

vs.

3M Company
3M Center
St. Paul, MN 55144
Defendant.

RCVD - USDC COLA SC
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CIVIL ACTION NO. Case Number

COMPLAINT

INTRODUCTION

This is an action for damages related to defective earplugs provided by Defendant 3M Company, which caused Plaintiff Timothy W. Arthur suffered hearing issues and other injuries.

JURISDICTION AND VENUE

This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332, as the amount in controversy exceeds \$75,000, exclusive of interest and costs, and the parties are citizens of different states.

Venue is proper in this District under 28 U.S.C. § 1391, because the events giving rise to the claim occurred in this District, and the Defendant does business in this District.

PARTIES

Plaintiff Timothy W. Arthur is an individual residing at 535 Brockington Rd, Darlington, SC 29532.

Defendant 3M Company is a corporation with its principal place of business at 3M Center, St. Paul, MN 55144.

FACTUAL ALLEGATIONS

1. Plaintiff Timothy W. Arthur used 3M Combat Arms Earplugs Version 2 (CAEv2) during his military service.
2. The earplugs were defectively designed and failed to protect Plaintiff from hearing damage.
3. As a result of using these defective earplugs, Plaintiff has suffered significant hearing loss and other related injuries.
4. Defendant 3M was aware of the defects in the earplugs but failed to adequately warn users of the risks.
5. Plaintiff has incurred medical expenses, lost wages, and other damages as a result of his hearing loss.

CLAIMS FOR RELIEF

COUNT I: Negligence

Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 5 as though fully set forth herein.

Defendant owed a duty to design, manufacture, and distribute earplugs that were safe for their intended use. Defendant breached this duty by providing defective earplugs, resulting in Plaintiff's injuries.

COUNT II: Strict Liability

Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 8 as though fully set forth herein.

Defendant is strictly liable for the defective design and manufacture of the earplugs, which directly caused Plaintiff's injuries.

COUNT III: Breach of Warranty

Plaintiff incorporates by reference the allegations contained in paragraphs 1 through 11 as though fully set forth herein.

Defendant breached its express and implied warranties by providing earplugs that were not fit for their intended purpose and were unsafe.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in favor of Plaintiff and against Defendant as follows:

A. Awarding Plaintiff compensatory damages in an amount of \$750,000 to be determined at trial; B. Awarding Plaintiff punitive damages of \$350,000; C. Awarding Plaintiff pre- and post-judgment interest; D. Awarding Plaintiff reasonable attorneys' fees and costs; E. Granting such other and further relief as the Court deems just and proper.

DATED this 4th day of August, 2024.

Respectfully submitted,

Timothy W. Arthur
535 Brockington Rd
Darlington, SC 29532
Plaintiff

